

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

Plaintiff,

-against-

ROCK FINTEK LLC,

Defendant.

Civil Action No. 22-cv-05276-
PAE

ROCK FINTEK LLC,

*Counterclaim and
Third-Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC.,

*Counterclaim
Defendant,*

and

ADORAMA INC., HERSHEY WEINER,
JOSEPH MENDLOWITZ, JNS CAPITAL
HOLDINGS LLC and JOEL STERN

*Third-Party
Defenda
nts.*

**DECLARATION OF AVRAM E.
FRISCH IN SUPPORT OF THE
MOTION**

Pursuant to 28 U.S.C. § 1746, I, Avram E. Frisch, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am the attorney for Third Party Defendants JNS Captial Holdings LLC and Joel Stern (the “JNS Parties”) and make this certification in support of the JNS Parties’ motion for summary judgment.
2. Annexed hereto as **Exhibit 1** is a true copy of deposition transcript of Bradley Gilling.
3. Annexed hereto as **Exhibit 2** is a true copy of the deposition transcript of Thomas Kato as a fact witness.
4. Annexed hereto as **Exhibit 3** is a true copy of the deposition transcript of Thomas Kato as a purported expert witness.
5. Annexed hereto as **Exhibit 4** is a true copy of the deposition transcript of Alexander King.
6. Annexed hereto as **Exhibit 5** is a true copy of the deposition transcript of Michael Elstro as representative of Ascension Health/The Resource Group.
7. Annexed hereto as **Exhibit 6** is a true copy of the whatsapp chat transcript between Ms. Chunron Li and employees and officers of Rock Fintek.
8. Annexed hereto as **Exhibit 7** is a true copy of a testing report submitted by Ms. Li to Rock Fintek, which she stated came from Bruno Azra.
9. Annexed hereto as **Exhibit 8** is a true copy of a Rule 510(k) certification, copies of glove box and other marketing materials submitted by Ms. Li to Rock Fintek, which she stated came from Bruno Azra.
10. Annexed hereto as **Exhibit 9** is a true copy of the Whatsapp Chat Transcript between Joel Stern and employees and officers of Rock Fintek.
11. Annexed hereto as **Exhibit 10** is a true copy of testing reports performed in China of certain Medcare gloves showing photos of boxes of gloves with corrective sticker labels.

12. Annexed hereto as **Exhibit 11** is a true copy of the Third Amended Rule 26 Disclosure of Rock Fintek, dated November 16, 2023.
13. Annexed hereto as **Exhibit 12** is a true copy of the expert disclosures of Rock Fintek.
14. Annexed hereto as **Exhibit 13** is a true copy of the expert report of Jason Poulton in regard to physical and chemical testing of gloves, which was produced by Rock Fintek on January 4, 2024.
15. Annexed hereto as **Exhibit 14** is a true copy of the Expert Report of John H. Carson, Jr. in regard to statistical sampling, which was produced by Rock Fintek in December 2023.
16. Annexed hereto as **Exhibit 15** are true copies of emails produced by Ascension Health/The Resource Group discussing the plan to “burn down” the supply of Medcare Gloves.
17. Annexed hereto as **Exhibit 16** is a true copy of email correspondence produced by Ascension Health/ The Resource Group as to the complaints of Ascension personnel regarding the gloves.
18. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 14, 2024.

/s/ Avram E. Frisch
Avram E. Frisch